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In re Application of :  
CHANDLER, Howard, Milne :  
U.S. Application No.: 09/763,154 : DECISION  
PCT No.: PCT/AU99/00310 :  
International Filing Date: 27 April 1999 :  
Priority Date: 28 April 1998 :  
Attorney's Docket No.: 0141-2004 :  
For: SAMPLE COLLECTION METHOD :

This decision is issued in response to the "Re-Transmittal Of Verified Statement And Second Request For Reimbursement" filed 08 May 2001. No petition fee is required.

### BACKGROUND

On 27 October 2000, applicant initiated the present national stage application. Among the materials submitted by applicants was the authorization to charge Deposit Account No. 06-0130 \$1,000 as the large entity basic national fee.

On 08 May 2001, applicant filed the "Re-Transmittal Of Verified Statement And Second Request For Reimbursement" considered herein. This submission includes a copy of a verified statement claiming small entity status, a copy of a request for reimbursement seeking a refund of one half of the basic national fee (i.e., \$500), and a copy of a return postcard itemizing these materials and bearing a USPTO receipt stamp dated 08 January 2001.

### DISCUSSION

Based on applicant's statements and the stamped return postcard, it is conclude that the refund request and small entity statement accompanying the present submission were originally filed on 08 January 2001.

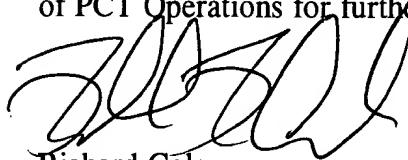
37 CFR 1.26 permits an applicant who has mistakenly paid an excess fee to seek a refund for such payment. Where an applicant has paid a full fee and subsequently seeks a refund based on small entity status, 37 CFR 1.28(a) states that the refund request and the assertion of small entity status must be made within three months of the payment of the full fee.

Here, the refund request was accompanied by a statement asserting small entity status and, as noted above, these materials were originally filed on 08 January 2001. This is less than three months after applicant's 27 October 2000 payment of the full fee. The assertion of small entity status complies with 37 CFR 1.27(c). Accordingly applicant is entitled to a refund of one half of the full basic national fee originally paid, that is, \$500.

### CONCLUSION

The refund request is **GRANTED**. Applicant has been granted a refund of \$500. This refund has been credited to Deposit Account No. 06-0130.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accord with this decision.



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